

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

|   |   |                                      |
|---|---|--------------------------------------|
| <b>DePuy Mitek Inc.,</b>                | ) |                                      |
| <b>a Massachusetts Corporation</b>      | ) |                                      |
|   | ) |                                      |
| <b>Plaintiff,</b>                       | ) |                                      |
|   | ) |                                      |
| <b>v.</b>                               | ) | <b>CIVIL ACTION NO. 04-12457 PBS</b> |
|   | ) |                                      |
| <b>Arthrex Inc.,</b>                    | ) |                                      |
| <b>a Delaware Corporation, and</b>      | ) |                                      |
|   | ) |                                      |
| <b>Pearsalls Limited,</b>               | ) |                                      |
| <b>a Private Limited Company of the</b> | ) |                                      |
| <b>United Kingdom,</b>                  | ) |                                      |
|   | ) |                                      |
| <b>Defendant.</b>                       | ) |                                      |

**Plaintiff, DePuy Mitek, Inc.’s Unopposed Motion to Extend Time for Filing its  
Memorandum In Support of its Renewed Motion For Judgment As A Matter Of Law  
Under FED. R. CIV. P. 50 And Motion For A New Trial**

On August 28, 2007, Plaintiff DePuy Mitek, Inc. (“Mitek”) renewed its motion for judgment as a matter of law under FED. R. CIV. P. 50 and moved for a new trial. Mitek moves to extend the time to file its memorandum in support of its motion until September 27, 2007. In accordance with LOCAL RULE 7.1(a)(2), counsel for plaintiff certifies that it conferred with counsel for Defendants, Arthrex, Inc. and Pearsalls, Ltd. on August 24, 2006. Arthrex and Pearsalls do not oppose this motion.

Dated: August 28, 2007

/s/ Erich M. Falke  
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*Attorneys for Plaintiff  
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**CERTIFICATE OF SERVICE**

I certify that I am counsel for DePuy Mitek, Inc. and that true and correct copies of:

**Plaintiff, DePuy Mitek, Inc.'s Unopposed Motion to Extend Time for Filing its  
Memorandum In Support of its Renewed Motion For Judgment As A Matter Of Law  
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were served on counsel for Defendants Arthrex, Inc. and Pearsalls Ltd. on this date via the Court's e-mail notification with the following recipients being listed as filing users for Defendants:

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Dated: August 28, 2007

/s/ Erich M. Falke  
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